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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,492	06/29/2004	Guobin Sun	L542.312-0001	4370
164 7590 12/11/2007 KINNEY & LANGE, P.A. THE KINNEY & LANGE BUILDING 312 SOUTH THIRD STREET MINNEAPOLIS, MN 55415-1002			EXAMINER ADDY, ANTHONY S	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 12/11/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/500,492	Applicant(s) SUN ET AL.	
	Examiner Anthony S. Addy	Art Unit 2617	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 31 October 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). *the request for reconsideration*
7. ☒ For purposes of appeal, ~~the proposed amendment(s)~~ a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1,4-6,8-12,15,16,18,19,21 and 27-36.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


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A.S.A

ADVISORY ACTION

Response to Arguments

1. Applicant's arguments filed on 31 October, 2007 have been fully considered but they are not persuasive.

In response to applicant's argument that, "Neither Bridgelall, Schilling nor Qing-An teaches or suggest the dual distance terminal transmits a beacon signal through a dual distance network server to the destination network to which the dual distance terminal is switched when switching between long and short distance communication networks is requested, and that the terminal determines the service queue position or priority which the dual distance terminal is arranged in the destination network to which the dual distance terminal is switched based on its service level (see page 12, third paragraph and page 13, second paragraph of the response)," examiner respectfully disagrees and maintains that the combination of Bridgelall, Schilling and Qing-An meets the limitations as claimed. Examiner reiterates that Qing-An teaches a method of controlling handoff in a cellular communication system, wherein a mobile station transmits to a base station, a handoff request including a reception signal intensity value (i.e. reads on a beacon signal) corresponding to the mobile terminal (see col. 11, lines 2-6). According to Qing-An, a queue sequence determination unit at the base station extracts from the reception signal intensity table, the stored reception signal intensity corresponding to the mobile terminal which has sent the handoff request, and the queue sequence determination then determines the processing order of the handoff request distributed in one of the queues in accordance with the reception signal intensity

Furthermore it has been held that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In the present application, applicant's arguments are based on considering each reference individually while the rejection is based on a combination of references, hence the rejections using the combination of Bridgelall, Schilling and Qing-An are proper and maintained.

extracted (see col. 11, lines 11-19). Qing-An further teaches, if a queue control unit at the base station determines that an idle channel is available in a cell, the queue control unit assigns the available channel in the cell to the handoff request for performing the handoff process in accordance with the priority order assigned to the queue in which the handoff request is waiting (see col. 11, lines 23-35). Thus it is clear the teachings of Qing-An meets the claimed limitations of “the dual distance terminal transmits a beacon signal through a dual distance network server to the destination network to which the dual distance terminal is switched when switching between long and short distance communication networks is requested, and that the terminal determines the service queue position or priority which the dual distance terminal is arranged in the destination network to which the dual distance terminal is switched based on its service level,” since Qing-An teaches a mobile station transmits to a base station (i.e. equates to a destination network), a handoff request including a reception signal intensity value (i.e. equates to a beacon signal), and a queue sequence determination unit at the base station extracts from the reception signal intensity table, the stored reception signal intensity corresponding to the mobile terminal which has sent the handoff request, and the queue sequence determination then determines ***the processing order of the handoff request*** distributed in one of the queues ***in accordance with the reception signal intensity extracted*** (i.e. equates to determining the service queue position or priority which the dual distance terminal is arranged in the destination network to which the dual distance terminal is switched based on its service level).